

ORIGINAL

FILED

March 24 2010

Ed Smith
CLERK OF THE SUPREME COURT
STATE OF MONTANA

IN THE SUPREME COURT OF THE STATE OF MONTANA

DA 09-0601

FILED

MAR 24 2010

Ed Smith
CLERK OF THE SUPREME COURT
STATE OF MONTANA

Phyllis Jamison
Pro Se Appellant
P.O. Box 343
Clinton, MT 59825
Phone & Fax (406) 825-2004

PHYLLIS JAMISON,

Plaintiff and Appellant,

v.

FRED VAN VALKENBURG,
MISSOULA COUNTY COMMISSION,
BILL CAREY, COMMISSIONER, JEAN
CURTISS, COMMISSIONER, JAMES
MCCUBBIN, DEPUTY COUNTY
ATTORNEY, DENA L. LUND, JACK S.
LUND, RICHARD B. WHEATLEY,
TAMBRY T. WHEATLEY,

Defendants and Appellees.

MOTION AND AFFIDAVIT

IN SUPPORT OF MOTION

TO FILE APPELLATE

BRIEF BY APRIL 23, 2010

I, Phyllis Jamison, move this Court to grant a 30-day extension of time for filing my Appellant's opening brief, with a date certain of April 23, 2010.

The Appellant, Phyllis Jamison, being first sworn upon her oath, states the following:

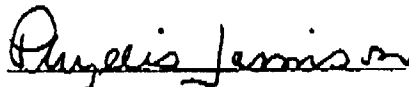
- (a) The brief is due March 24, 2010.
- (b) The brief was first due January 21, 2010.
- (c) The length of the requested extension is 30 days.

p. 1 of 5

(d & e) The reason an extension is necessary is that as a pro se appellant I am not used to working on such huge projects and so I have had difficulty making accurate estimates. However, especially since my complaints involve countywide and statewide concern, I am asking the court's permission for one last 30-day extension with a date certain of April 23, 2010. I also have contacted a cough that isn't getting better.

(f) I, Phyllis Jamison, contacted Paul Sharkey, who is opposing counsel for defendants Jack Lund and Dena Lund and Sharkey told me he is opposed to this motion. I also attempted to contact Alan F. McCormick, who is counsel for Missoula County, and I was not able to reach McCormick.

Respectfully submitted,

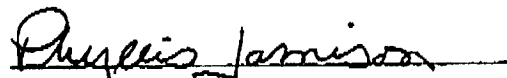


Phyllis Jamison
Pro Se Appellant
March 24, 2010

CERTIFICATE OF COMPLIANCE

Pursuant to Rule 11(4)(b); of the Montana Rules of Appellate Procedure, I certify that this brief is printed with a mono-spaced Courier text typeface of 12 points; is double spaced; [I do not have Microsoft Word 2003 on my computer-typewriter], is not more than 30 (14 for reply) pages, excluding certificate of service and certificate of compliance.

Dated this 24th day of March, 2010.



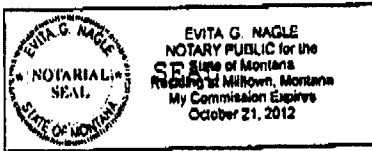
Phyllis Jamison, Pro Se Appellant

On the 24th day of March, 2010 before me, the

p. 2 of 5

undersigned, a Notary Public for the State of Montana,
personally appeared Phyllis Jamison, known to me to be the
person who executed the within instrument and acknowledged to
me that she executed the same.

IN WITNESS WHEREOF, I have hereunto set my hand and
notarial seal the day and year first above written.



Evita G. Nagle
Notary Signature

Evita G. Nagle
Notary printed or typed name

Residing at *Missoula*
My commission expires *10-21-2012*

CERTIFICATE OF SERVICE

I, the undersigned pro se appellant, hereby certify
that on this 24th day of March, 2010 I have filed a true and
accurate copy of the foregoing Pro Se Appellant's "Motion
and Affidavit in Support of Motion for 30-Day Extension of
Time" by FACSIMILE (406) 444-5705 at 12:00 PM with the Clerk
of the Montana Supreme Court and that I have served true and
accurate copies of the foregoing motion upon each attorney of
record and each party not represented by an attorney in the
above referenced action, by depositing the same in the United
States Mail, postage prepaid thereon, addressed as follows:

Paul Sharkey
Phillips Law Firm, P.C.
P.O. Box 8569
Missoula, MT 59807-8569
Counsel for Dena Lund & Jack Lund

Alan F. McCormick

p. 3 of 5

Garlington, Lohn & Robinson
P.O. Box 7909
Missoula, MT 59807-7909
Counsel for Missoula County

Dated this 24th day of March, 2010.

Phyllis Jamison

Phyllis Jamison
P.O. Box 343
Clinton, MT 59825
Pro Se Appellant